Department of General Services BILLS TRACKED

1997-98 Session

DGS Office of Legislation November 1997



FORWARD

The following report summarizes the major legislation which affected the Department of General Services (DGS) in 1997.

The Office of Legislation within DGS monitored and reviewed over 3280 measures providing full analyses on over 368 bills. The following is a summary of the bills with particular significance to the department that reached the Governor's desk.

We were extremely successful this year in representing the department's positions and interest to other state agencies, the Legislature, and the Governor. As you will see from the report, we addressed a wide range of topics, from relatively simple, one-issue subjects to very complex efforts to reform governmental processes.

We anticipate that the second year of the 1997-98 Legislative Session will be equally challenging. If you have questions regarding this summary or would like additional information, please contact Carol Ferreira at (916) 445-3946 or through the Internet at cferreira@dgs.ca.gov.

Karen L. Neuwald, Assistant Director-Legislation Department of General Services

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OFFICE ACRONYMS USED IN THE 1997-98 LEGISLATIVE SUMMARY

OAH	OFFICE OF ADMINISTRATIVE HEARINGS
BC	.BOARD OF CONTROL
IT	INFORMATION TECHNOLOGY ISSUES
OEA	OFFICE OF ENERGY ASSESSMENTS
OHR	OFFICE OF HUMAN RESOURCES
OLS	OFFICE OF LEGAL SERVICES
PD	.PROCUREMENT DIVISION
OPSC	OFFICE OF PUBLIC SCHOOL CONSTRUCTION
OREDS	OFFICE OF REAL ESTATE AND DESIGN SERVICES
ORIM	OFFICE OF RISK AND INSURANCE MANAGEMENT
DSA	DIVISION OF THE STATE ARCHITECT
TB	.TRAILER BUDGET BILL
TD	.TELECOMMUNICATIONS DIVISION

LEGISLATIVE SUMMARY OF ASSEMBLY BILLS ENACTED IN 1997

Unless otherwise indicated, these Statutes will be effective January 1, 1998

BILL	AUTHOR	OFFICE	SUMMARY	CHAPTER	CODE SECTIONS AFFECTED
AB 47	Murray	OHR	Adds licensed child day care facilities to the Family School Partnership Act (FSPA) which provides that employers who employ 25 or more employees working at the same location, must allow parents or guardians of children in kindergarten or grades one through twelve, up to 40 hours each school year to participate in school activities	157	Amends: Labor Code Section 230.8
AB 170	Papan	PD	Makes changes to the prompt payment provisions in current law by prohibiting state agencies and contractors from waiving or changing existing penalties fees for the failure of state agencies to pay claims for property or services within specified deadlines. It also states that a vendor does not need to submit a claim to be paid the penalty.	360	Amends and adds: Government Code Section 926.15 Amends Government Code Section 926.17
AB 206	Hertzberg	ΙΤ	Establishes the "Citizen Complaint Act of 1997" and requires state agencies, to make available on their Internet websites, on obefore July 1, 1998, or within 6 months of the establishment of such a site, whichever is later, a form for individuals to register complaints or comments regarding the agencies' performance.	416 r	Adds: Government Code Chapter 5.1 (commencing with Section 8330) to Division 1 of Title 2
AB 245	Cunneen	ORIM	Provides for the following: (1) adds clarification to existing law and permits surplus line brokers to act as either a wholesale broker or a retail broker, and (2) permits surplus line brokers to rely upon signed disclosure statements obtained from insureds through other licensees.	102	Amends: Insurance Code Section 1764.1 Adds: Insurance Code Section 1763.2
AB 553	Leach	OPSC	Requires school districts participating in the State School Building Lease-Purchase Program (SSBLPP) after July 1, 1998, to annually prepare a plan for completing major maintenance, repair, and replacement requirements for projects approved by the State Allocation Board (SAB). Also requires the local governing board to review the plan annually and provide an explanation in the district's budget if the amount of the reserve for scheduled maintenance is less than specified in the updated plan.	513	Amends: Education Code Section 17014

BILL	AUTHOR	OFFICE	SUMMARY	CHAPTER	CODE SECTIONS AFFECTED
AB 558	Miller	OEA	Authorizes local governments to participate in the state Energy Efficiency Revenue Bond Program and requires that any local government that enters into an energy service contract with the State Public Works Board must include specific contract provisions to meet its energy service contract obligation. Also requires the governing body of a local government entering into an energy service contract with the State Public Works Board to annually budget and appropriate the amounts payable under the contract during that fiscal year. If the governing body fails to make this appropriation then the officer of the local government with responsibility for disbursing funds shall transfer, from any funds available in the local government's treasury, sums necessary to meet its energy service contract obligations.		Adds: Government Code Sections 15814.25, 15814.26 and 15814.27
AB 578	Martinez	OEA	Makes various changes to the "Oversight Board" (Board) for the Independent System Operator and the Power Exchange. Authorizes the Board to meet; accept appropriations, grants and contributions from public, private and individual sources; sue and be sued; contract with local, state and federal agencies; issue subpoenas; administer oaths; adopt rules and regulations; participate in proceedings to promote interstate electricity agreements; and do whatever is necessary to carry out the intent of this statute. Existing law required the Independent System Operator to adopt inspection, maintenance, repair, and replacement standards for the transmission facilities under its control no later than March 31, 1997. This bill extends that deadline to September 30, 1997, and requires the Independent System Operator to report to the Board on the development and implementation of these standards	d	Amends: Public Utilities Code Sections 335, 336, 348, and 350 Adds: Public Utilities Code Sections 341, 341.1, 341.2, 341.3, and 341.4

BILL	AUTHOR	OFFICE	SUMMARY	CHAPTER	CODE SECTIONS AFFECTED
AB 590	Ashburn	OLS	Authorizes the Boards of Directors for CalExpo, the county fairs and the district agriculture association fairs to do the following: (1) enter into agreements to secure donations, memberships and corporate and individual sponsorships; (2) enter into marketing and licensing agreements for the receipt of money, services or products in lieu of money; and (3) employ or enter iinto an agreement with an entity or person to develop, solicit, sell and service these sponsorship agreements. The respective Boards would establish the procedures to be followed and the agreements would be exempt from any other provisions of existing law.	562	Adds: Food and Agricultural Code Sections 3332.1 and 4051.1; Government Code Section 25909
AB 611	Villaraigosa	DSA	 Establishs a self-certification process for specified school (K-12 and Community College) alteration projects which allows these projects to be self-certified at the local level, as opposed to being reviewed and approved by the Department of General Services (DGS). Applies to alteration projects of between \$25,000 and \$100,000 which are determined by a structural engineer to be non-structural. 	390	Amends: Education Code Sections 17280, 17295, 81130, and 81133; Public Contract Code Section 20111.5
			 Requires the design professional in responsible charge of the alteration project to certify in writing to DGS, with a document which bears the design professional's identifying stamp or seal, that the plans and specifications are in compliance with any applicable fire and life safety standards and do not affect any disabled access requirements. Requires, within 10 days of the completion of the project, a 		
			DGS-certified school inspector to certify that the project has been completed in compliance with the plans and specifications [CONTINUED ON FOLLOWING PAGE]		

BILL	AUTHOR	OFFICE	SUMMARY	CHAPTER	CODE SECTIONS AFFECTED
[AB 611]	[Villaraigosa]		 [CONTINUED FROM PREVIOUS PAGE] Requires the thresholds (\$25-\$100 thousand) to be increased annually according to an inflationary index selected and 	[390]	
			recognized by DGS, and prohibits projects from being subdivided by school districts for the purpose of evading the above amounts.		
			 Authorizes a school district to establish a process for prequalifying prospective bidders on a quarterly basis, and regard this prequalification as valid for up to one calendar year following the date of initial prequalification. (Urgency Statuteeffective August 27,1997.) 		

BILL	AUTHOR	OFFICE	SUMMARY	CHAPTER	CODE SECTIONS AFFECTED
AB 666	Ortiz	OREDS	This DGS-sponsored bill authorizes the Director of General Services (DGS) to sell to the Capitol Area Development Authority (CADA), for resale to the private sector, any state-owned properties located in the Capitol Area at a price and terms that are at fair market value and have been determined to be appropriate to stimulate the timely development of the residential and commercial components of the Capitol Area Plan. In addition, the bill authorizes CADA to request these sales after providing the director of the Department of General Services and the chair of the Joint Legislative Budget Committee, the chairs of the Appropriations committees, and the two legislators representing the area with an economic analysis in support of the value at which the property is to be conveyed. The DGS may approve the sale of the property if he or she concurs with the economic analysis. In addition, the bill restricts the sales authority to properties which are part of an overall development plan which would result in a net increase in residential units, and requires a deed restriction of at least 45 years to be placed upon residential property disposed pursuant to this bill. (Urgency Statuteeffective August 11, 1997.)		Amends: Government Code Section 8169
AB 856	Hertzberg	ВС	Establishes the Witness Protection Program to be administered by the Attorney General and appropriates \$3,000,000 from the Restitution Fund to the Attorney General to implement the Program. This bill would also state the Legislature's intent that the annual Budget Act would appropriate funds to the Attorney General for the purposes of this program from any surplus in the Restitution Fund.	507	Adds: Title 7.5 (commencing with Section 14020) to Part 4 of the Penal Code

BILL	AUTHOR	OFFICE	SUMMARY	CHAPTER	CODE SECTIONS AFFECTED
AB 865	Pringle	DSA	Authorizes a school district to lease a commercial building, prior to January 1, 2003, for use as a school building if the building was constructed after January 1, 1990, and a structural engineer has inspected the building and submitted a specified report to the Division of State Architect (DSA). More specifically, this bill:		Amends: Education Code Section 17285
			 Requires the building to be constructed in accordance with seismic safety standards for commercial buildings constructed within an earthquake zone. 		
			Requires the structural engineer to submit a report that certifies the building is in "substantial compliance" with the provisions of the Field Act. In addition, the structural engineer's review is required to include: construction documents, architectural drawings, inspection records, and to sample the structure's actual welds, anchor bolt requirements, and other structural elements.		
			Requires the structural engineer's report to be sent by the governing school board to the Division of State Architect for review and comment for a 30-day period. The DSA's comments regarding the adequacy of the report and whether or not the building is in substantial compliance with the Field Act, are required to be returned to the school board within 30 days. If DSA fails to respond within 30 days, DSA will be deemed to have concurred with the structural engineer's report. The school board may then proceed with its final decision.		
			Exempts members of the governing board of school districts and their employees from any liability associated with the use of commercial buildings, approved pursuant to this Act, for school purposes. The bill, however, provides that school districts remain liable for injuries resulting from the use of non-Field Act buildings.		

BILL	AUTHOR	OFFICE	SUMMARY	CHAPTER	CODE SECTIONS AFFECTED
AB 1132	Alby	BC	Requires that any compensatory or punitive damages awarded by trial or settlement to an inmate or to any ward of the CYA in connection with a civil action brought against any federal, state, or local jail, prison, or correctional facility, or any official or agent thereof, shall be paid directly to satisfy any outstanding restitution order or restitution fines owed by the inmate. The balance of any award would then be forwarded to the inmate or the ward. This bill provides that the Director of the CYA shall deduct the balance owing on restitution fines or orders from the trust account deposits of a ward up to 50 percent of the total amount held in trust, unless prohibited by federal law. If a ward owes both a restitution fine and an order, the order shall be collected first. Amounts collected on restitution orders shall be transferred to the State Board of Control for direct payment to the victim or to the Restitution Fund (Fund) to the extent that the victim has received assistance from the Victims of Crime Program. Amounts collected on restitution fines shall be paid to the Fund.	266	Amends: Penal Code Section 2085.5; Welfare and Institutions Code Section 1752.81

BILL	AUTHOR	OFFICE	SUMMARY	CHAPTER	CODE SECTIONS AFFECTED
AB 1159	B 1159 Bowen	to be	 Provides for the establishment of the Alternative Protest Pilot to be administered by the Department of General Services (DGS) until December 31, 1999, or until the pilot has been applied to a minimum of 25 contracts, whichever occurs late. 	702	Adds: Chapter 3.6 (commencing with Section 12125) to Part 2 of Division 2 of the
			 Allows any acquisition for goods, services or information technology (IT) to be included as part of this pilot. 		Public Contract Code
			 Allows state agencies to conduct "best value" (value effective) acquisitions, competitive negotiations, performance-based solicitations, alternative procurements o other methodologies as defined by DGS, on any acquisition for goods, services or IT. 	r	
			 Requires the DGS to hear protests under a new protest process and render a decision within 45 days. 		
			 Prohibits any supplier who has filed a protest, determined to be frivolous, from bidding on any solicitations conducted under this pilot. 		
			 Provides, effective July 1, 1999, that any supplier who has filed a protest, as specified, in the previous fiscal year which the DGS does not uphold would be prohibited from bidding of future contracts under this pilot. 		
			 Allows the DGS to dismiss frivolous bids. 		
			 Requires that a bidder, who has filed a protest determined to be frivolous, to proceed with the protest only after a bond is posted with the DGS.)	
			 Allows the supplier and the contracting agency to enter into an interim contract pending the resolution of a protest. 		
			 Requires that anyone protesting must be a participating bidder and narrows the grounds by which protests can be filed. 		
			Bids submitted on acquisitions that are designated part of the Alternative Protest Pilot Project constitute consent for participation in the pilot and its provisions.		

BILL	AUTHOR	OFFICE	SUMMARY	CHAPTER	CODE SECTIONS AFFECTED
AB 1191	Shelley	ВС	Increases the base fine for Vehicle Code violations to \$100 whereas currently base fines do not exceed \$100. Further, for violations of Vehicle Code Sections 21453, 21454, and 21457 pertaining to red stop lights, all money collected for a violation, including state penalty assessments, would be distributed with the first 30 percent collected being allocated to the jurisdiction in which the offense occurred. The balance would then be distributed as required by current law.	852	Adds: Penal Code Section 1463.11; Vehicle Code Sections 42001.15 and 42007.3 Amends: Vehicle Code Section 42001
AB 1198	Hertzberg	TD	Requires the Department of General Services (DGS) to conduct a "311" pilot program with unspecified local agencies. The purpose of the pilot is to evaluate the effectiveness of a "311" telephone number dedicated to nonemergency phone calls to public safety agencies and to assess the impact, if any, on the reduction in calls to the "911" emergency phone system. This measure also requires the DGS to study improved marketing of existing nonemergency seven digit numbers. The pilot program shall commence no later than July 1, 1998, and end no later than January 1, 2000. This bill appropriates \$200,000 from the State Emergency Telephone Number (911) Account to the DGS for program implementation. (Urgency Statuteeffective October 12, 1997.)	887	Adds: Chapter 6.5 (commencing with Section 53125) to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code Amends: Revenue and Taxation Code Section 41136

BILL	AUTHOR	OFFICE	SUMMARY	CHAPTER	CODE SECTIONS AFFECTED
AB 1491	Cunneen	DSA	 Prohibits a person from depositing petroleum into an underground storage tank which has not been upgraded to specific state requirements on or after January 1, 1999. 	808	Amends: Health and Safety Code Sections 25284 and 25299.50
			 Requires an upgrade compliance certificate to be issued for each tank that has been upgraded to meet the requirements of existing law. 		Adds: Health and Safety Code Section 25292.3
			 Requires the State Water Resources Control Board (Board) to notify, prior to December 22, 1998, all persons that may deliver petroleum to an underground storage tank where to obtain a list of underground tanks that are in compliance. Further, the bill requires local agencies to maintain a list of tanks in compliance and to provide this information to anyone requesting it. 		
			 Authorizes the Board to reallocate unused funds in the Underground Storage Tank Cleanup Fund and to file a report every three months regarding its activities to the Legislature and the Department of Finance. 		
AB 1537	Machado	DSA	Requires the Department of General Services (DGS) to provide training and testing on an ongoing basis to all school inspectors who inspect schools for compliance with the Field Act, to ensure that these inspectors are sufficiently knowledgeable of the applicable rules, regulations and standards. Reevaluation and testing of existing inspectors is required every three to four years. The DGS would be authorized to charge fees to recoup costs.	683	Amends: Education Code Section 17311

BILL	AUTHOR	OFFICE	SUMMARY	CHAPTER	CODE SECTIONS AFFECTED
AB 1547	Davis	вс	This DGS-sponsored bill: Eliminates the requirement for Board of Control approval for the State Controller to expend funds in excess of \$200 for the maintenance and upkeep of real property that has escheated to the state.	653	Repeals: Code of Civil Procedure Section 1326; Government Code Sections 13940, 13941,13942, 13943,13943.1 and 13943.2
			 Eliminates the requirement that the Board of Control approve requests from state agencies to be discharged from accountability for collecting fees, licenses, and taxes that have been demonstrated to be uncollectable or do not warrant the cost of collection. 		Amends: Government Code Section 16302.1
			 Transfers from the Board of Control to the Controller the authority to adopt rules and regulations to permit state agencies to retain overpayments of \$10 or less where a demand for refund is not made within 6 months after the refund becomes due. 		Adds: Government Code Sections 16301.6, 16301.7 and 16301.8
AB 1564	Ducheny	ВС	This DGS-sponsored bill appropriates \$840,350.60 from the General Fund and various special accounts to the State Board of Control (Board) for payment of 235 claims approved by the Board during the period December 1, 1996, through March 31, 1997. (Urgency Statuteeffective September 5, 1997.)	407	No Code Sections added, amended or repealed

BILL	AUTHOR	OFFICE	SUMMARY	CHAPTER	CODE SECTIONS AFFECTED
AB 1582	Brown	ТВ	 This is a 1997 budget trailer bill related to the activities of the California Conservation Corps (CCC), and Department of Parks and Recreation (DPR). This bill: Requires DPR to submit a report to the Legislature by January 1 of each year which contains specified information related to the Harbors and Watercraft Revolving Fund and the Motor Vehicle Fuel Account in the Transportation Tax Fund. Provides various performance-based budgeting authorities to the CCC and DPR. Enables funds from the sale of a prior Governor's Mansion to be used for the renovation of the Stanford Mansion in Sacramento, by defining the term "suitable residence". The Stanford Mansion is a state historical park within the jurisdiction of DPR. (Urgency Statute-effective August 18, 1997.) 	288	Amends: Government Code Section 8174; Harbors and Navigation Code Section 85.2

BILL	AUTHOR	OFFICE	SUMMARY	CHAPTER	CODE SECTIONS AFFECTED
AB 1586	Wright	ТВ	Makes statutory changes necessary for implementation of the Budget Act of 1997 relative to state administration. (Urgency Statuteeffective August 18, 1997.)	300	Amends: Food and Agricultural Code Section 4106; Government Code Sections 12650, 12652, and 15372.118; Health and Safety Code Section 1356; Military and Veterans Code Section 1313 Repeals: Government Code Section 15372.108 and 15372.121; Chapter 5 (commencing with Section 1310) of Division 6 of the Military and Veterans Code; Revenue and Taxation Code Section 19559 Adds: Government Code Section 161; Military and Veterans Code Section 1161; Military and Veterans Code Section 188.

LEGISLATIVE SUMMARY OF SENATE BILLS ENACTED IN 1997

Unless otherwise indicated, these Statutes will be effective January 1, 1998

BILL	AUTHOR	OFFICE	SUMMARY	CHAPTER	CODE SECTIONS AFFECTED
SB 18	Rosenthal	ORIM	 Provides that unclaimed Proposition 103 rebates be deposited in the Insurance Fund over the next two years so that the Department of Insurance may repay a \$14 million General Fund Ioan authorized by the Budget Act of 1996. Requires the Controller to transfer \$10 million from the General Fund to the Insurance Fund in equal payments over the next three years to resolve the case of Gaines vertheleast by Brown. Provides that up to \$50,000 be deducted from the first annual payment to pay plaintiff's attorneys fees and costs in the case of Gaines vertheleast Brown. Provides that General Fund monies transferred to the Insurance Fund be used to finance consumer services programs and investigation and enforcement actions regarding licensees (through FY 2000). (Urgency Statuteeffective August 6, 1997.) 	<u>.</u>	Amends: Code of Civil Procedure Section 1523; Insurance Code Section 12936
SB 68	Корр	ОАН	Makes the Administrative Procedure Act (APA) applicable to a decision by a quasi-public entity if that entity has been created by statute for the purpose of performing a state function. This would not apply to a decision by a quasi-public entity if that entity is already subject to administrative review in proceedings covered by the APA or if that entity is subject to regulation by the Insurance Commission. [CONTINUED ON FOLLOWING PAGE]	220	Amends: Business and Professions Code Sections 125.7, 495,652,1247.66, 1267, 1310, 1322, and 22958; Health and Safety Code Sections 1280, 1280.1, 1295, 1337.9, 1408,1410,1428, 1437, 1615,1618, 1639.4, 1643.1, 1728.2 1736,

BILL	AUTHOR	OFFICE	SUMMARY	CHAPTER	CODE SECTIONS AFFECTED
[SB 68]	[Kopp]		 Enacts a statute adopting the provisions of the new APA for all administrative hearings held before and on behalf of the Department of Health Services (DHS) (except for Medi-Cal hearings currently held by the Department of Social Services). Authorizes the DHS to adopt regulations which may vary from some portions of the new APA (time frames, pleadings, discovery, hearing location); specify that the DHS hearings will be conducted before judges appointed by the DHS Director; and repeal inconsistent statutes. (Urgency Statuteeffective August 4, 1997.) 	[220]	1736.5 106715, 108900, 111645, 111855, 111940, 115145, 116425, 116625; Welfare and Institutions Code Sections 14088.23, 14123, 14123.2, 14124.6, 14126.50, 14171, 14171.5, 14171.6, and 14304 Adds: Government Code Section 11410.60; Health and Safety Code Section 100171; Unemployment Insurance Code Section 1953.5
SB 156	Johannessen	OREDS	Prohibits the Wildlife Conservation Board when it acquires real property other than by eminent domain from paying more than the fair market value of the property. Further, the bill requires value to be set forth in an appraisal that is prepared by a licensed real estate appraiser and approved by the Department of General Services.	309	Adds: Fish and Game Code Section 1348.2

BILL	AUTHOR	OFFICE	SUMMARY	CHAPTER	CODE SECTIONS AFFECTED
SB 193	Mountjoy	OREDS	This DGS-sponsored bill authorizes the Director of General Services (DGS), with the approval of the State Public Works Board, to sell, exchange, or lease eight parcels of state property. Further, the bill rescinds DGS's authority to dispose of four parcels that were declared surplus in prior surplus property bills, makes technical corrections related to the boundary description of Agnews State Hospital, West Campus, clarifies a reverter clause related to the San Francisco Maritime Museum, and permits the DGS' Office of State Printing to also be known as the Office of State Publishing.	784	Amends: Government Code Section 14850; Sections 2 and 3 of Chapter 352 of the Statutes of 1976; Section 4 of Chapter 620 of the Statutes of 1989; Section 2 of Chapter 625 of the Statutes of 1991; Section 1 of Chapter 317 of the Statutes of 1993
SB 292	Johnston	вс	This DGS-sponsored bill appropriates \$7,034,631.43 from the General Fund and various special accounts to the State Board of Control (Board) for payment of claims approved by the Board. (Urgency Statuteeffective August 15, 1997.)	280	No Code Sections added, amended, or repealed

BILL	AUTHOR	OFFICE	SUMMARY	CHAPTER	CODE SECTIONS AFFECTED
SB 623	O'Connell	OREDS	 Requires the Department of General Services (DGS) to transfer the land and improvements comprising the Camarillo State Hospital to the trustees of the California State University (CSU), upon approval of the trustees. More specifically, this bill: Authorizes the trustees to sell or lease land not needed for campus purposes in order to raise revenues for campus construction. Requires the proceeds of these sales to be deposited into local trust accounts available for the funding of property improvements and program funding at the campus and specifies that these funds shall be continuously appropriated. Requires CSU to submit an annual report, by September 1 of each year, to the Governor and the Legislature on the revenues obtained from sales and leases, and expenditures based upon those revenues in the prior fiscal year. Authorizes DGS to be reimbursed up to \$5,000 for administrative costs associated with the transfer. Exempts the approximately 57-acre non-contiguous parcel of the Camarillo State Hospital property located on Lewis Road, in Ventura County, from the transfer authorized by this bill. Restores \$607,000 to the Higher Education Capital Outlay Bond Fund. 		Add: Education Code Section 89009 Augment Item 6610- 301-0658 of Section 2.00 of the Budget Act of 1997

BILL	AUTHOR	OFFICE	SUMMARY	CHAPTER	CODE SECTIONS AFFECTED
SB 708	Greene	DSA	Extends all waivers for non-Field Act conforming relocatable school buildings for an additional three years. Since existing waivers are due to sunset on September 30, 1997; this bill extends that date to September 30, 2000. (Urgency Statuteeffective August 18, 1997.)	320	Amends: Education Code Sections 17291 and 17405 Repeals: Education Code Sections 17290, 17405, 39141.10 and 39304.5

BILL	AUTHOR	OFFICE	SUMMARY	CHAPTER	CODE SECTIONS AFFECTED
SB 972	Greene	OREDS	 Provides additional powers and authorities to the Board of Directors of the California Exposition and State Fair (Cal-Exp Board). More specifically the bill permits the Cal-Expo Board to: Purchase, acquire, or hold, any interest in real or person property subject to the approval of the Department of General Services (DGS) and the Property Acquisition Late. Make public improvements, with the approval of DGS, to publicly owned real property adjacent to, or near the vicinity of, the real property of the California Exposition and State Fair (Cal-Expo) when such improvements materially benefit the Fair. Pledge, with the approval of DGS, any and all revenues, moneys, accounts, accounts receivable, contract rights, and any other rights to payment pursuant to terms and conditions approved by the Cal-Expo Board. The bill specifies that any issuance of bonds, contracts, debts incurred, settlements, judgments, or liens shall not direct or indirectly obligate the state, or any political subdivision of the state, to levy a tax or appropriate funds for their payment. Any bonds issued shall clarify that the full faith and credit of the state has not been pledged. Maintain its funds as continuously-appropriated rather than having those funds subject to annual appropriation. The bill requires the Department of Finance to take into account any reduction in services provided to 	d al w.	Repeal and Add: Business and Professions Code Section 19622.2 Amends: Food and Agricultural Code Sections 3311 and 3332; Government Code Sections 11272, 12470, and 16310 Repeals: Food and Agricultural Code Sections 3335 and 3336
			[CONTINUED ON FOLLOWING PAGE]		

BILL	AUTHOR	OFFICE	SUMMARY	CHAPTER	CODE SECTIONS AFFECTED
[SB 972]	[Greene]		[CONTINUED FROM PREVIOUS PAGE]	[694]	
			 Cal-Expo as the result of its assumption of new duties authorized by the bill and reduce its fair share of costs accordingly. Clarifies that Cal-Expo shall annually reimburse the General Fund for its share of costs from its operating funds and would establish a program for paying vendors. Establish orders, rules, and regulations without approval of the Office of Administrative Law. Operate a payroll system for employees, including a system for accounting for sick leave and vacation. Specify that the authority of the Department of Food and Agriculture shall include, but is not limited to, 		
			requiring Cal-Expo to meet all applicable standards prescribed by the department. Authorizes the		
			department to delegate such matters to Cal-Expo as the department may determine. Further, authorizes		
			the department to assume all rights, duties, and powers of the Cal-Expo Board if the department		
			determines that there is insufficient administrative or		

fiscal control, and request a court appointed receiver if it determines that the Cal-Expo Board is insolvent, or

in imminent danger of insolvency.

BILL	AUTHOR	OFFICE	SUMMARY	CHAPTER	CODE SECTIONS AFFECTED
SB 1198	Costa	OAH	 Affords the Department of Food and Agriculture (DFA) access to certain financial information and any criminal record that is available on a licensee or applicant for a license. Reduces the annual licensing fees over a two-year period commencing January 1, 1999. Requires that the DFA reevaluate these fees and report to the Legislature by June 30, 2000. Recasts the provisions governing the denial, suspension or revocation of licenses, including DFA's authority to conduct its own adjudicative hearings in market enforcement matters (Livestock dealers bonded under the Federal Packers and Stockyard Act would be exempt from these provisions). [CONTINUED ON FOLLOWING PAGE] 	696	Amends: Food and Agricultural Code Sections 226, 55403, 55435.5, 55483, 55485, 55523, 55525, 55721, 55722, 55741, 55742, 55743, 55744, 55861, 56109, 56133.5, 56161, 56186, 56273.1, 56381, 56382, 56571 Amends and Renumbers: Food and Agricultural Code Sections 55751, 56252, 56451 Amends and Repeals Food and Agricultural Code Sections 55861.7 and 56571.7 Adds: Food and Agricultural Code Sections 55462, 55484.5, 55484.75, 55524.5, 55524.5, 55524.5, 55524.5, 55525.75, 55722.5, 56134.5, 56134.75, 56185.75, 56186.5, 56186.75, 56382.5, 56701.5, and 56717

BILL	AUTHOR	OFFICE	SUMMARY	CHAPTER	CODE SECTIONS AFFECTED
[SB 1198]	[Costa]		[CONTINUED FROM PREVIOUS PAGE]	[696]	Repeals: Food and Agricultural Code Sections 55486, 55487, 55489, 55490, 55526, 55527, 55528.5, 55529, 55529.5, 55745, 55746, 55747, 55748, 55749, 55750, 56187, 56188, 56191, 56191.5, 56192, 56192.5, 56446, 56448, 56449, 56450, 56452; Article 13 (commencing with Section 55781), Article 14 (commencing with Section 56471), Article 15 (commencing with Section 55841) of Chapter 6; and Article 16 (commencing with Section 56531) of Chapter 7; Chapter 7.5 (commencing with Section 56701) of Division 20
					Repeals and Adds: Food and Agricultural Code Sections 55484, 55488, 55524, 55528, 56185, 56190, 56443, 56444, 56445, and 56447

BILL	AUTHOR	OFFICE	SUMMARY	CHAPTER	CODE SECTIONS AFFECTED
SB 1270	Johnston	OREDS	This DGS-sponsored bill authorizes the construction of office buildings for the Department of Education (DOE), the Department of Health Services (DHS), and the Department of General Services (DGS) at the east and southeast end of Capitol Park in Sacramento. This project will be financed through the sale of up to \$392 million in lease-revenue bonds. More specifically, this bill:		Adds: Government Code Section 8169.5
			 States that this legislation is in furtherance of the objectives of Senate Concurrent Resolution 18 of 1991, and the findings and declarations relative to the 1995 Urban Land Institute's study contained in SB 1770 (Johnston), Ch. 193/96. 	f	
			 Authorizes DGS to contract for the lease, lease-purchase, lease with an option to purchase, acquisition, design, design- build, construction, construction management, and other services related to the design and construction of the facilities 		
			 Limits the total authorized scope of the project up to approximately 1,420,200 gross square feet (gsf) of office space and 742,625 gsf of parking structures located within the Capitol Area on blocks 171, 172, 173, 174, and 225, and related additional parking on block 224 (see attached map). 	Y	
			 Authorizes the Public Works Board to issue revenue bonds, negotiable notes, negotiable bond anticipation notes, as well as borrowing from the Pooled Money Investment Account (PMIA) to finance this project. Requires DGS, DOE, and DHS to guarantee the repayment of any PMIA loans through their annual support appropriations in the event the authorized bonds are not sold. 	3	
			[CONTINUED ON FOLLOWING PAGE]		

BILL AUTHOR C	OFFICE	SUMMARY	CHAPTER	CODE SECTIONS AFFECTED
[SB 1270] [Johnston]		[CONTINUED FROM THE PREVIOUS PAGE]	[761]	
	•	Limits the amount of revenue bonds, negotiable notes, or negotiable bond anticipation notes from exceeding the cost or planning, preliminary plans, working drawings, construction, construction management and supervision, other costs related to the design and construction of the facilities including interiand permanent financing costs and a reasonable required reserve fund. Prohibits the net present cost to acquire and operate these new facilities from exceeding the net present value of the cost to lease and operate an equivalent amount of comparable office space, including the present facilities over the same time period. Requires DGS to perform this economic analysis, as specified. Authorizes the Director of General Services to execute and deliver a contract with the State Public Works Board for the lease of the described facilities. Requires DGS to submit a copy of all documents that shall be the basis upon which bids will be awarded, as specified, including the required economic analysis to the Legislature be December 1, 1998. Requires the Legislative Analyst to analyze the information and prepare a report to the Joint Committee on Rules within 60 days of receiving the documents from the Legislature.	ed m st	

[CONTINUED ON THE FOLLOWING PAGE]

BILL	AUTHOR	OFFICE	SUMMARY	CHAPTER	CODE SECTIONS AFFECTED
[SB 1270]	[Johnston]		[CONTINUED FROM THE PREVIOUS PAGE]	[761]	
			States the intent of the Legislature that the Joint Committee on Rules meet for the purpose of adopting a report with any recommendations on changes to the site design criteria, performance criteria, and specifications, and specific criteria for determining the winning bidder. Authorizes DGS to proceed with the project after April 1, 1999, unless the Joint Rules Committee adopts its report prior to that date which will enable DGS to proceed earlier. Prohibite the apprinting and expertuation of this project from the projec	I	
			 Prohibits the acquisition and construction of this project from causing the displacement of any state or legislative employed parking space until DGS acquires or constructs replacement parking that is located a reasonable distance from their place of employment. 		
			 Requires a parking garage to be constructed on Block 224 prior to other developments. 		
SB 1273	Hurtt	IT	Requires any state or local agency to provide requested information electronically rather than via United Sates mail, unless impracticable to do so.	687	Adds: Government Code Section 11104.5

BILL	AUTHOR	OFFICE	SUMMARY	CHAPTER	CODE SECTIONS AFFECTED
SCR 7	Greene	OPSC	Extends the authority for the Joint Committee on School Facilities to June 30, 1998. This measure would require the committee to report at the end of each legislative session on its recommendations for improvements in the school facilities system. The resolution seeks authorization from the Senate Committee on Rules for operational funds to enable it to contract for services and conduct investigations relative to the school facilities system.	R-039	No Code Sections added, amended, or repealed
SCR 18	Sher	OREDS	Establishes the Joint Committee on Headwaters Forest and Ecosystem Management Planning, and authorizes the committee to carry out specified tasks for the Legislature which include ensuring that the Legislature is properly consulted and involved in the implementation of the September 28, 1996, agreement between the federal Government, the state, and MAXXAM Inc., regarding a land-exchange involving the Headwaters Forest.	R-063	No Code Sections added, amended, or repealed

LEGISLATIVE SUMMARY OF ASSEMBLY BILLS VETOED IN 1997

BILL	AUTHOR	SUMMARY			
AB 84	Woods	Requires state agencies to give a price preference, not exceeding 10 percent of the contract total or \$100,000, to recycled products made with rice straw. In addition, this bill would require the California Integrated Waste Management Board (CIWMB) to implement a program, beginning July 1, 1998, to fund claims submitted by state agencies for the award of contracts based on the rice straw preference.			
AB 179	Bowen	Makes various changes to the California Public Records Act including changes to records which are contained in an electronic format. In addition, the bill:			
		 Defines "public agency" and revises the current definition of "local agency" to include nonprofit organizations that are legislative bodies of local agencies and expands the definition of the term "writing". 			
		 Provides for public inspection of records and exact copies of records, including electronically formatted documents, unless impracticable to do so. 			
		 States that agencies may charge requestors only for the direct costs associated with the public records request. These costs are generally limited to the duplication of such records and are well established in case law. 			
		 Allows public agencies to adopt requirements that are more stringent than those statutorily provided including allowing for faster, more efficient records retrieval or greater access to records. 			
		 Adds the Department of Toxic Substances Control and the Office of Environmental Health Hazard Assessment to the list of state and local bodies that are required to establish written guidelines for accessibility of records. 			
		 States that, notwithstanding the definition of "member of the public," an elected member or officer of any state or local agency is entitled to access to public records of that agency on the same basis as any other person and would state that it is declaratory of existing law. 			
		 Limits the existing authorization to apply for judicial relief under the California Public Records Act to persons who submitted a written request for a public record and that request was denied. 			

BILL	AUTHOR	SUMMARY	
AB 267	Lempert	 Prohibits the Department of General Services (DGS), on and after January 1, 1998, from approving plans for the construction or modernization of a school building unless, upon completion of the project, the school building will contain an automatic fire alarm and detection system. More specifically, the bill: Requires the system to consist of a combination of smoke or heat detectors installed in each unit of a school building, including attic spaces, and the detectors shall activate an alarm signal that sounds an audible alarm throughout the school facility. Requires by July 1, 1998, the State Fire Marshal to propose, and the Building Standards Commission to adopt, building standards which provide the most cost-effective automatic fire detection and alarm system for public schools. Authorizes school districts to apply for state bond funding to pay for the installation of automatic fire detection and alarm systems and exempts those projects which solely apply to automatic alarm systems from state rental repayment and transfer of title provisions. States legislative intent that the bill be funded through the proceeds from the sale of state general obligation bonds. 	
AB 676	Strom-Martin	Requires any school district that applies for funding from state general obligation bonds beginning January 1, 1998, to include plans for a hard-wired connection to a public switched network in its plans and specifications for the construction or fabrication of new or modernized classrooms. The bill further provides that districts may meet this requirement by utilizing wireless technology equivalent to a hard-wired connection to a public switched network. Finally, the bill also requires that by January 1, 1998, all plans and specifications for portable classrooms funded under the State Relocatable Classroom Program (SRCP) include a hard-wired connection to a public switched network.	
AB 705	Strom-Martin	Requires, at the request of a local agency, all state agencies to report what waste reductions programs and waste facilities the state intends to use for the handling, diversion, and disposal of solid waste. It would also include building and construction materials, outdoor furniture, and landscaping materials within the definition of recycled products for the application of current laws and would mandate that these products be purchased by state agencies if they meet specified standards and cost factors.	

BILL	AUTHOR	SUMMARY
AB 736	Thomson	Changes the name of the State School Deferred Maintenance Fund to the School Major Maintenance Match Fund and includes the following provisions: Changes the name of the District Deferred Maintenance Fund to the District Major Maintenance Fund and declares that the fund is continuously appropriated for the purposes for which it is established. Lowers the amount of local match required for districts that seek funding under the hardship provisions of the program from at least 1/2 percent of the general fund budget to the amount that can be matched by state funds (an amount that can be substantially lower than 1/2 percent). Provides that funds from the State School Site Utilization Fund shall revert to the State School Maintenance Fund (rather than to the General Fund, as under current law).
		 Provides that if budgetary priorities allow sufficient General Fund money to be made available, the Legislature shall annually appropriate up to the amount necessary to fund the full 1/2 percent of the general fund budgets of the applicant school districts.

AB 940	Miller	Makes the following changes in contracting for public works projects:
		 Limits the amount of funds that a public entity, contractor, or subcontractor, may hold in "retention" in public works projects to 5 percent of the payment and no more than 5 percent of the contract price.
		 Waives the retention caps in a situation where a performance bond is required by a general contractor but not provided by a subcontractor.
		◆ Applies all of the above requirements to all contracts entered into after January 1, 1998.
		 Clarifies that the bill does not limit the authority of a public agency to withhold up to 150 percent of the value of the disputed work from the final payment, and prohibits a party from requiring another party to waive the requirements of this bill.

BILL	AUTHOR	SUMMARY
AB 1568	Floyd	 Makes various changes to provisions of the Labor Code affecting the "debarment" of a contractor or subcontractor by the Labor Commissioner from public works projects for violations of prevailing wage laws. More specifically, this bill: Alters existing law regarding the treatment of subcontractors. Under existing law, contractors and subcontractors may be debarred by the Labor Commissioner from "bidding on or receiving" a public works contract. Since technically it is the general contractor who bids on and receives the public works contract, this bill prohibits a subcontractor from "performing work" on the public works project. Requires the Labor Commissioner to publish a list of debarred contractors and subcontractors every six months, which includes the name, licensee number, and period of debarment, and distribute this list to all awarding bodies. Clarifies that a debarred subcontractor has no protection under the existing subcontractor listing law, thereby allowing a general contractor to replace a debarred subcontractor. Prohibits a public entity from allowing a debarred contractor or subcontractor to bid on, work on, or be awarded a public works project. Requires all public works contracts to include a provision clarifying this prohibition. Penalizes a general contractor who at the time of entering into a subcontract, knew, or should have known that the subcontractor was ineligible to work on the project due to debarment by the Labor
		 Commissioner with one of the following sanctions imposed by the awarding body: (a) Voiding the contract or (b) Debarment from the bidding list of the awarding agency for up to one year. Establishes an elaborate 135-day hearing/appeal process conducted by a hearing officer appointed by the Labor Commissioner: requires the awarding agency to notify the contractor of sanctions by certified mail, the contractor has the right to request a hearing within 15 days, the hearing shall be conducted within 45 days of the contractor's request, the hearing officer is required to issue findings within 30 days of the conclusion of the hearing, requires, within 45 days, either a writ of mandate or a certified copy of the findings to be entered as a judgment in superior court in the county where the contractor has their place of business.

LEGISLATIVE SUMMARY OF SENATE BILLS VETOED IN 1997

BILL	AUTHOR	SUMMARY
SB 74	Корр	Makes various changes to the California Public Records Act including changes to records which are contained in an electronic format. This bill:
		 Defines "public agency" to include "local agencies" and revises the current definition of "local agency" to include nonprofit organizations that are legislative bodies of local agencies and expands the definition of the term "writing".
		 Provides for public inspection of records and exact copies of records, including electronically formatted documents, unless impracticable to do so.
		 States that agencies may charge requesters only for the direct costs associated with the public records request. Electronic records are not included in this fee structure. Under current law, direct costs are generally limited to the duplication of such records and are well established in case law.
		 Expands the costs that state agencies can recover for electronic information requested pursuant to a public records request. Allows these additional costs to be charged when the information requested is for commercial purposes, as defined. "News gathering organizations" and nonprofit organizations are exempted from these additional charges.
		 Allows public agencies to adopt requirements that are more stringent than those statutorily provided including allowing for faster, more efficient records retrieval or greater access to records.
		 Lists all records or information currently exempted from public disclosure and requires that, effective January 1, 1998, all future exemptions must be listed in the specified Article of the California Public Records Act.
		 Adds the Department of Toxic Substances Control and the Office of Environmental Health Hazard Assessment to the list of state and local bodies that are required to establish written guidelines for accessibility of records.
		 States that, notwithstanding the definition of "member of the public," an elected member or officer of any state or local agency is entitled access to public records of that agency on the same basis as any other person and would state that it is declaratory of existing law.
		 Limits the existing authorization to apply for judicial relief under the California Public Records Act to persons who submitted a written request for a public record and that request was denied.

BILL	AUTHOR	SUMMARY
SB 540	Johnston	Authorizes the State Allocation Board (SAB) to waive the repayment requirement for school districts that installed heating and air conditioning units with state bond funds in the 1993-94 and 1994-95 school years under the modernization component of the State School Building Lease-Purchase Program.
SB 1092	Lockyer	Appropriates \$10 million from the Restitution Fund (Fund) to the Office of Child Abuse Prevention in the State Department of Social Services (DSS) for expenditure in the 1997-98 and 1998-99 fiscal years for the purpose of assisting children who are victims of crime. This bill would also require that the Governor's budget specify the estimated amount in the Fund that is in excess of that needed for the purposes of the Victims of Crime Program. Further, this bill states it is the Legislature's intent that funds be appropriated in the annual Budget Act to the Office of Child Abuse Prevention of the DSS for the purpose of assisting child victims of crime.
SB 1113	Solis	Requires, by January 1, 2000, the Office of Planning and Research to recommend, and the Secretary of Resources to certify and adopt, revisions to existing California Environmental Quality Act (CEQA) guidelines for the identification and mitigation by public agencies of disproportionately high and adverse environmental impacts of projects on minority and low-income populations
SB 1212	Vasconcellos	Provides that if an administrative law judge has found in his/her proposed decision that none of the charges or allegations of unprofessional or unlawful conduct in the accusation have been proven by clear and convincing evidence and the agency has therefore failed to meet its burden of proof, then the agency must adopt the proposed decision. This provision would apply to the following licensing entities:
		 The Board of Behavioral Science Examiners The State Board of Chiropractic Examiners The Board of Medical Examiners of California Medical Quality Review Committees and Examining Committees, the Medical Board of California The Board of Registered Nursing The Board of Examiners of Nursing Home Administrators The State Board of Optometry The Osteopathic Medical Board of Pharmacy The California State Board of Pharmacy The California Board of Podiatric Medicine The Board of Psychology The Veterinary Medical Board The Board of Vocational Nurse and Psychiatric Technical Examiners of the State of California

BILL	AUTHOR	SUMMARY
SB 1323	Polanco	Provides, among other things, the State Allocation Board (SAB) with the authority to apportion funds from the State School Building Lease-Purchase Fund to pay the costs of site preparation on leased land for a school district that meets four of the five following criteria: • Operates on a multitrack year-round basis • Does not have sufficient facilities to implement to implement the Class Size Reduction Program for kindergarten and all grades for which funding is available under the Class Size Reduction Program. • Has school sites for elementary schools which do not have land available for relocatable buildings to be used to implement the Class Size Reduction Program. • Proposes to lease land for 10 years or longer on which portable classrooms will be sited for the purposes of implementing the Class Size Reduction Program. • Has implemented the Class Size Reduction Program in three grade levels on or before June 30,1997. The bill also provides that an apportionment shall be for all costs of site preparation, including the cost of building a foundation and shall not include any costs incurred by the school district for leasing the land or in purchasing or leasing the portable classrooms. Finally, the bill provides that the SAB may adopt regulations to include a minimum term for the lease of the land and the portable classrooms.